

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

TECSEC, INC.,)
v.)
ADOBE SYSTEMS INC., et al.)
Plaintiff,)
Defendants.)
Hon. Liam O'Grady
Hon. Theresa Buchanan
Civil Action No. 1:10-cv-115

ORDER

This matter is before the Court on Defendant Adobe Systems Inc.’s (Adobe) Motion for Summary Judgment or Partial Summary Judgment of Limitation of Damages, No Willful Infringement, Non-Infringement, and Invalidity (Dkt. 1054); and Adobe’s Motion for Reconsideration of the Prior Summary Judgment Ruling Regarding Patent Eligibility in Light of Potential Changes in Controlling Law and in Light of the Court’s Subsequent Ruling on Claim Construction (Dkt. 1056). The motions are fully briefed and the Court heard oral argument on May 18, 2018. For the reasons that follow and for good cause shown, the motions are **DENIED**.

In its motion for reconsideration, Adobe points to recent cases out of the Federal Circuit and this Court’s recent claim construction in this matter as grounds for the Court to reconsider its Order denying Adobe’s prior motion for summary judgment, which argued that Plaintiff TecSec, Inc.’s asserted claims of the DCOM patents are invalid under 35 U.S.C. § 101. The Court has reviewed *Berkheimer v. HP Inc.*, 881 F.3d 1360 (Fed. Cir. 2018) and *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121 (Fed. Cir. 2018) and finds that these cases, while controlling authority, are not contrary decisions of law and do not render this Court’s prior

decision erroneous or otherwise counsel in favor of reconsideration. The Court has also reviewed its prior claim construction ruling and finds no inconsistency with its Section 101 decision which would render that decision clearly erroneous or manifestly unjust.

As to Adobe's summary judgment motion, seeking summary judgment or partial summary judgment on nine issues within the case, the Court finds that there are material facts in dispute on each of the nine issues which must be resolved by a factfinder. *See Leviton Mfg. Co. v. Universal Sec. Instruments, Inc.*, 606 F.3d 1353, 1358 (Fed. Cir. 2010).

For these reasons and for good cause shown, the motions are **DENIED**.

It is **SO ORDERED**.

June 4, 2018
Alexandria, Virginia


Liam O'Grady
United States District Judge